



1 APPEARANCES:

2 EDWARD FITZHENRY  
1901 Chouteau Ave.  
3 P.O. Box 66149  
Mail Code 1310

4 St. Louis, Missouri 63166  
5 (Appearing on behalf of  
Petitioner.)

6  
MARK WHITT & REBECCA SEGAL  
7 WHITT STURTEVANT LLP  
180 N. LaSalle  
8 Suite 2001  
Chicago, Illinois 60601

9  
(Appearing on behalf of  
10 Petitioner.)

11 JOSEPH D. MURPHY  
MEYER CAPEL  
12 306 W. Church Street  
P.O. Box 6750

13 Champaign, Illinois 61826-6750  
14 (Appearing on behalf of Edgar  
County Intervenors, John  
15 Thompson and Paul Thrift via  
teleconference.)

16  
MATTHEW R. RENTSCHLER  
17 Rural King Supply  
4216 Dewitt Ave.  
18 Mattoon, Illinois 61938

19 (Appearing on behalf of  
Timberview Community via  
20 teleconference.)  
21  
22

1 APPEARANCES: (CONT'D.)

2 SHANE MENDENHALL  
3 BOLEN, ROBINSON & ELLIS  
4 202 S. Franklin Street  
5 2nd Floor  
6 Decatur, Illinois 62523

7 (Appearing on behalf of  
8 Assumption Group, Leon Corzine,  
9 Macon County Property Owners,  
10 Morrisonville Group via  
11 teleconference.)

12 BETH BAUER  
13 117 Crestmoor Street  
14 Collinsville, Illinois 62234  
15 (Appearing pro se as an  
16 intervenor.)

17 ED GOWER & RAYLENE DeWITTE GRISCHOW  
18 HINSHAW & CULBERTSON LLP  
19 400 S. Ninth Street  
20 Suite 200  
21 Springfield, Illinois 62701

22 (Appearing on behalf of Coles  
County Landowners, John Reed,  
Stop the Power Lines Coalition,  
Tarble Limestone Enterprises,  
Laura Te Grotenhuis and JDL  
Broadcasting, Inc. via  
teleconference.)

SEAN BRADY  
P.O. Box 4072  
Wheaton, Illinois 60189

(Appearing on behalf of Wind on  
the Wires via teleconference.)

1 APPEARANCES: (CONT'D.)

2 BRIAN KALB

411 St. Louis Street

3 Edwardsville, Illinois 62025

4 (Appearing on behalf of Adams  
County Property Owners and  
5 Tenant Farmers and Louise  
Brock-Jones via teleconference.)

6

BRADLEY WILSON

7 GATES, WISE & SCHLOSSER, P.C.

1231 S. Eighth Street

8 Springfield, Illinois 62703

9 (Appearing on behalf of Morgan  
and Sangamon County Property  
10 Owners and Tenant Farmers via  
teleconference.)

11

EDWARD D. McNAMARA, JR.

12 931 S. Fourth Street

Springfield, Illinois 62703

13

(Appearing on behalf of  
14 Colfax-Scott Land Preservation  
Group, Korsmeyer Family Farm  
15 Trust, Bergschneiders.)

16 DUSTIN PROBST

DOVE & DOVE

17 P.O. Box 647

151 S. Morgan St.

18 Shelbyville, Illinois 62565-0647

19 (Appearing on behalf of Larry &  
Ginger Durbin and Shelby County  
20 Landowners Group.)

21

22

1 APPEARANCES: (CONT'D.)

2 EMILY BROACH

DRINKER BIDDLE & REATH

3 191 N. Wacker Drive

Suite 3700

4 Chicago, Illinois 60606

5 (Appearing on behalf of Gan  
Properties via teleconference.)

6

MATTHEW RENTSCHLER

7 Rural King Supply

4216 DeWitt Avenue

8 Mattoon, Illinois 61938

9 (Appearing on behalf of  
Timberview Community via  
10 teleconference.)

11 RICHARD BALOUGH

BALOUGH LAW OFFICES, LLC

12 One North LaSalle

Suite 1910

13 Chicago, Illinois 60602

14 (Appearing on behalf of the City  
of Champaign and the Village of  
15 Savoy via teleconference.)

16 LAURA HARMON

Office of General Counsel

17 Illinois Agricultural Association

1701 Towanda Ave.

18 Bloomington, IL 61701

19 (Appearing on behalf of Illinois  
Farm Bureau via teleconference.)

20

21

22

1 APPEARANCES: (CONT'D.)

2 ROCHELLE G. SKOLNICK  
SCHUCHAT, COOK & WERNER

3 1221 Locust Street  
2nd Floor

4 St. Louis, MO 63103

5 (Appearing on behalf of IBEW  
Local Unions 51 & 702 via  
6 teleconference.)

7 ANN RAYNOLDS

1236 E. 1000 N. Road

8 Taylorville, Illinois 62568

9 (Appearing pro se as intervenor  
via teleconference.)

10

CHRISTOPHER N. SKEY

11 QUARLES & BRADY, LLC

300 North LaSalle Street

12 Suite 4000

Chicago, Illinois 60654

13

(Appearing on behalf of Nature  
14 Conservancy via teleconference.)

15 MATTHEW HARVEY

160 N. LaSalle Street

16 Suite C-800

Chicago, Illinois 60601

17

(Appearing on behalf of staff of  
18 the Illinois Commerce Commission  
via teleconference.)

19

20

21

22

1 APPEARANCES: (CONT'D.)  
2 OWEN MacBRIDE  
SCHIFF HARDIN  
3 233 S. Wacker Drive  
Suite 6600  
4 Chicago, Illinois 60606  
5 (Appearing on behalf of Grain  
Belt Express Clean Line, LLC via  
6 teleconference.)  
7 ERIC ROBERTSON  
LUEDERS, ROBERTSON & KONZEN  
8 P.O. Box 735  
1939 Delmar  
9 Granite City, Illinois 62040  
10 (Appearing on behalf of Moultrie  
County property owners via  
11 teleconference.)  
12 KIM W. BOJKO  
CARPENTER, LIPPS & LELAND  
13 280 Plaza  
Suite 1300  
14 280 North High Street  
Columbus, Ohio 43215  
15  
16 (Appearing on behalf of  
Mid-Continent Independent System  
Operator via teleconference.)  
17  
18 DAVID STREICKER  
161 North Clark Street  
Suite 4200  
19 Chicago, Illinois  
20 (Appearing on behalf of N. Kohl  
Grocer Company via  
21 teleconference.)  
22

1 APPEARANCES: (CONT'D.)

2 MARK WEINHEIMER

POLSINELLI SHUGHART

3 105 West Vandalia Street

Suite 400

4 Edwardsville, Illinois 62025

5 (Appearing on behalf of

Christian County property owners

6 via teleconference.)

7 BRAD WILSON

GATES, WISE & SCHLOSSER, P.C.

8 1231 S. Eighth

Springfield, Illinois 62703

9

(Appearing on behalf of Morgan

10 and Sangamon County landowners

and tenant farmers via

11 teleconference.)

12 BARBARA RAGHEB

2502 Jordan Drive

13 Champaign, Illinois 61822-6815

14 (Appearing on behalf of Ragheb

family farm, corporation farm, &

15 family.)

16 BILL MORAN

STRATTON GIGANTI STONE MORAN & RADKEY

17 725 S. Fourth St.

Springfield, Illinois 62703

18

(Appearing on behalf of Rural

19 Clark and Edgar County Concern

Citizens.)

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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None.

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0598. This docket concerns the petition of Ameren Transmission Company of Illinois for a certificate of public convenience and necessity pursuant to Section 8-401.6.

I will now ask for appearances, and I will actually go through an alphabetized list of all the intervenors, so if you're here, please indicate that you're here and enter your appearance.

We do have a solution to doing this for the next five days when we meet again.

Adams County Property Owners and Tenant Farmers?

MR. KALB: Present. Brian Kalb on behalf of the Adams County Property Owners. My number is (618) 655-0600.

JUDGE ALBERS: Munjed Al-Bakri?

(No response)

JUDGE ALBERS: Donna Allen?

(No response)

1 JUDGE ALBERS: The Assumption Group?

2 MR. MENDENHALL: This is Shane Mendenhall with  
3 Bolen, Robinson & Ellis in Decatur on behalf of the  
4 Assumption Group.

5 JUDGE ALBERS: Joseph and Barbara  
6 Bergschneider?

7 (No response)

8 JUDGE ALBERS: David and Theresa Bockhold?

9 (No response)

10 JUDGE ALBERS: Beth Brauer?

11 MS. BAUER: It's Bauer (B-a-u-e-r). I'm  
12 present and my phone number is (618) 343-0828).

13 JUDGE ALBERS: Central Stone Company?

14 (No response)

15 JUDGE ALBERS: Christian County Property  
16 Owners?

17 MR. WEINHEIMER: Mark Weinheimer with  
18 Polsinelli Law Firm. Phone number (618) 692-2602.

19 JUDGE ALBERS: City of Champaign?

20 MR. BALOUGH: Richard Balough, Balough Law  
21 Offices, LLC. The phone number is (312) 499-0000 on  
22 behalf of Champaign and Savoy.

1 JUDGE ALBERS: Clark County Preservation  
2 Committee?

3 (No response)

4 JUDGE ALBERS: Coalition of Property Owners and  
5 Interested Parties in Piatt, Douglas and Moultrie  
6 Counties?

7 (No response)

8 JUDGE ALBERS: Michael Cody?

9 (No response)

10 JUDGE ALBERS: Coles and Moultrie County Land  
11 Interests?

12 (No response)

13 JUDGE ALBERS: Coles County Landowners?

14 MR. GOWER: This is Ed Gower from Hinshaw &  
15 Culbertson, LLP. My telephone number is  
16 (217) 467-4916.

17 JUDGE ALBERS: Colfax-Scott Land Preservation  
18 Group?

19 MR. McNAMARA: Edward D. McNamara, Jr.; (217)  
20 528-8476.

21 JUDGE ALBERS: Copeland Family?

22 (No response)

1 JUDGE ALBERS: Leon Corzine?

2 MR. MENDENHALL: Shane Mendenhall, Bolen,  
3 Robinson & Ellis; (217) 429-4296.

4 JUDGE ALBERS: If you're a repeat attorney, you  
5 can just state your name.

6 Erbon Doak?

7 (No response)

8 JUDGE ALBERS: Larry and Ginger Durbin?

9 MR. PROBST: Dustin Probst, Dove & Dove,  
10 Attorneys at Law; (217)774-2137.

11 JUDGE ALBERS: Dynegy Midwest Generation?

12 (No response)

13 JUDGE ALBERS: Edgar County intervenors?

14 MR. MURPHY: Joseph D. Murphy; (217)352-0030.

15 JUDGE ALBERS: Enbridge Pipelines?

16 (No response)

17 JUDGE ALBERS: FutureGen Industrial Alliance?

18 (No response)

19 JUDGE ALBERS: Gan Properties?

20 MS. BROACH: Present Emily Broach, Drinker,  
21 Biddle & Reath; (312) 569-1315.

22 JUDGE ALBERS: Grain Belt Express Clean Line?

1 MR. MacBRIDE: Owen MacBride from Schiff Hardin  
2 LLP. Phone number is (312) 258-5680.

3 JUDGE ALBERS: Mary, Gregory and Mark Hamblin?

4 (No response)

5 JUDGE ALBERS: Michael Hutchinson?

6 (No response)

7 JUDGE ALBERS: Illinois Agricultural  
8 Association d/b/a Illinois Farm Bureau?

9 MS. HARMON: Laura Harmon on behalf of the  
10 Illinois Farm Bureau; (309) 597-2470.

11 JUDGE ALBERS: Illinois Laborers and  
12 Contractors Trust Fund?

13 (No response)

14 JUDGE ALBERS: Pamela Irwin?

15 (No response)

16 JUDGE ALBERS: JDL Broadcasting, Inc.?

17 MR. GOWER: Ed Gower. Your Honor, also joining  
18 me later will be Raylene DeWitte Grischow  
19 (G-r-i-s-c-h-o-w) on behalf of the various clients  
20 that we represent.

21 JUDGE ALBERS: All right. Thank you.

22 Korsmeyer Family Farm Trust?

1 MR. McNAMARA: Edward D. McNamara, Jr.

2 JUDGE ALBERS: Mark Lash?

3 (No response)

4 JUDGE ALBERS: Local Union 71? I'm sorry.

5 Local Unions 51 and 702?

6 MS. SKOLNICK: For the International

7 Brotherhood of Electrical Workers, this is Rochelle

8 Skolnick from Schuchat, Cook & Werner in St. Louis.

9 JUDGE ALBERS: Michael Lockwood?

10 (No response)

11 JUDGE ALBERS: Louise Brock-Jones L.P?

12 MR. KALB: Brian Kalb on behalf of Louise

13 Brock-Jones.

14 JUDGE ALBERS: Macon County Property Owners?

15 MR. MENDENHALL: Shane Mendenhall.

16 JUDGE ALBERS: Nancy Madigan?

17 (No response)

18 JUDGE ALBERS: Matt Holtmeyer Construction?

19 (No response)

20 JUDGE ALBERS: Thomas and Linda McLaughlin?

21 (No response)

22 JUDGE ALBERS: Virginia Megredy?

1 (No response)

2 JUDGE ALBERS: MISO?

3 MS. BOJKO: Thank you, Your Honor. On behalf  
4 of Mid-Continent Independent System Operator, this is  
5 Kim Bojko, Carpenter, Lipps & Leland; (614) 365-4124.

6 JUDGE ALBERS: Morgan and Sangamon County  
7 Landowners and Tenant Farmers?

8 MR. WILSON: Yes, sir. Brad Wilson with Gates,  
9 Wise & Schlosser; (217) 522-9010.

10 JUDGE ALBERS: Morgan, Sangamon and Scott  
11 Counties Land Preservation Group?

12 MR. McNAMARA: Judge, Edward D. McNamara, Jr.  
13 I would note that you previously mentioned two  
14 Bergschneiders. I believe that they are now a part  
15 of our group.

16 JUDGE ALBERS: Okay. Some folks intervened  
17 individually and then later joined an organization.

18 MR. McNAMARA: Right.

19 JUDGE ALBERS: Morrisonville Group?

20 MR. MENDENHALL: Shane Mendenhall.

21 JUDGE ALBERS: Moultrie County Property Owners?

22 MR. ROBERTSON: Eric Robertson, Lueders,



1     Robertson & Konzen; (618) 876-8500.

2             JUDGE ALBERS:   N. Kohl Grocer Company?

3             MR. STREICKER:   David Streicker from the

4     Polsinelli firm; phone number (312) 873-2941.

5             JUDGE ALBERS:   Niemann Foods?

6                             (No response)

7             JUDGE ALBERS:   Carolyn Patterson?

8                             (No response)

9             JUDGE ALBERS:   Gregory and Theresa Pearce?

10                            (No response)

11            JUDGE ALBERS:   James and Tori Phillips?

12                            (No response)

13            JUDGE ALBERS:   Prairie Power, Inc.?

14                            (No response)

15            JUDGE ALBERS:   Magdi, Barbara and Adam Ragheb.

16            MS. RAGHEB:   Barbara Ragheb; (217) 377-6357.

17            JUDGE ALBERS:   Brian and Sherry Ralston?

18                            (No response)

19            JUDGE ALBERS:   Justin Ramey?

20            MS. RAYNOLDS:   This is Ann Raynolds.   We

21     intervened I think on the same; (217) 638-4211.

22            JUDGE ALBERS:   You're the next one I was going

1 to call.

2 John Reed?

3 MR. GOWER: Ed Gower, Hinshaw Culbertson.

4 JUDGE ALBERS: Andrew and Stacey Robinette?

5 (No response)

6 JUDGE ALBERS: Deborah Rooney?

7 (No response)

8 JUDGE ALBERS: Rural Clark and Edgar County

9 Concerned Citizens?

10 MR. MORAN: Bill Moran, Attorney at Law; (217)

11 528-2183.

12 JUDGE ALBERS: Schuyler County Property Owners?

13 (No response)

14 JUDGE ALBERS: Shelby County Landowners Group?

15 MR. PROBST: Justin Probst, Dove & Dove,

16 attorneys at law.

17 JUDGE ALBERS: Mary Splain?

18 (No response)

19 JUDGE ALBERS: Stop the Power Lines Coalition?

20 MR. GOWER: Ed Gower.

21 JUDGE ALBERS: Tarble Limestone Enterprises?

22 MR. GOWERS: Ed Gower.

1 JUDGE ALBERS: Laura Te Grotenhuis?

2 MR. GOWER: Ed Gower.

3 JUDGE ALBERS: Thank you.

4 Nature Conservancy?

5 MR. SKEY: Chris Skey (S-k-e-y) on behalf of

6 the Nature Conservancy. Telephone number is

7 (312) 715-5022 with the law firm of Quarles & Brady.

8 Thank you.

9 JUDGE ALBERS: John Thompson?

10 MR. MURPHY: Joseph D. Murphy.

11 JUDGE ALBERS: Paul Thrift?

12 MR. MURPHY: Joseph D. Murphy.

13 JUDGE ALBERS: Timberview Community?

14 MR. RENTSCHLER: Adam Rentschler;

15 (217)235-7102.

16 JUDGE ALBERS: Village of Mount Zion?

17 (No response)

18 JUDGE ALBERS: Village of Pawnee?

19 (No response)

20 JUDGE ALBERS: Village of Savoy?

21 MR. BALOUGH: Richard Balough.

22 JUDGE ALBERS: Village of Sidney?

1 (No response)

2 JUDGE ALBERS: Western Morgan County Property  
3 Owners?

4 (No response)

5 JUDGE ALBERS: Wiese Farms?

6 (No response)

7 JUDGE ALBERS: Wind on the Wires?

8 MR. BRADY: Sean Brady, and my office phone is  
9 (312) 867-0609.

10 JUDGE ALBERS: And Ameren?

11 MR. FITZHENRY: Edward Fitzhenry on behalf of  
12 Ameren Transmission Company of Illinois, and with me  
13 is Mark Whitt and Rebecca Segal with the law firm of  
14 Whitt Sturtevant, LLP.

15 JUDGE ALBERS: And from staff?

16 MR. HARVEY: Appearing for the staff of the  
17 Illinois Commerce Commission, Matthew L. Harvey, 160  
18 North LaSalle Street, Suite C-800, Chicago, Illinois,  
19 60601.

20 JUDGE ALBERS: Is there anyone else whose name  
21 I did not call?

22 All right. Let the record reflect

1     there are no others wishing to enter an appearance.

2                     In terms of preliminary matters, I  
3     have a few things on my list, but if anybody has  
4     anything they'd like to raise now, go right ahead.

5             MR. McNAMARA:   Judge, I have some thoughts, but  
6     I would just as soon wait till you go over yours and  
7     you might cover it.

8             JUDGE ALBERS:   That's fine.

9                     Well, first is the May 3rd notice of  
10    additional member of Rural Clark Edgar County  
11    Concerned Citizens.

12                    Does anybody object if we treated that  
13    as an amended petition to intervene?

14             MR. FITZHENRY:   No, Your Honor.

15             JUDGE ALBERS:   Hearing no objection, then I  
16    will grant that.

17                    May 2nd Adams County motion to strike  
18    Donnell Murphy's rebuttal testimony.   We've received  
19    a response and reply, and we'll be issuing a ruling  
20    on that later today or tomorrow.

21                    We have the May 6th Ameren motion to  
22    strike the Rural Clark Edgar County Notice of Support

1 from Stop the Coalition or Notice of Support of the  
2 Stop Coalition routes. We received Clark and Edgar  
3 Counties response.

4 Would Ameren like to make an oral  
5 reply today in support of its motion?

6 MR. WHITT: Your Honor, we'll rest on the  
7 papers.

8 JUDGE ALBERS: Okay. That's fine. We'll deal  
9 with that and make a ruling at the same time as the  
10 prior one.

11 In terms of just generally  
12 housekeeping, at one of our earlier status hearings,  
13 the question was raised as to how many cross exhibits  
14 to bring to the evidentiary hearing, and it's going  
15 to be hard to tell, you know, generally speaking, but  
16 we would entrust that if you have a cross exhibit for  
17 any particular witness, I would say bring hard copies  
18 for the court reporter, the ALJs, and one for each of  
19 the parties that you think would be interested.

20 That might be hard to evaluate but  
21 we're not really sure what attendance is going to be  
22 like at the hearings, but in any event, we would ask

1     you also then serve the entire list via e-mail as  
2     soon as possible with a copy of any cross exhibits  
3     you intend to offer so even those who may not have  
4     wanted a copy at the hearing will still get a chance  
5     to see what it was.

6                     Does anybody have any questions or  
7     concerns about that?

8             MR. FITZHENRY:   You mean at the point in time  
9     that the cross exhibits have been offered into  
10    evidence that it be served electronically to the  
11    other parties who may not be here in the hearing  
12    room?

13            JUDGE ALBERS:   Right.

14            MR. FITZHENRY:   Thank you.

15            JUDGE ALBERS:   I mean, certainly, if you have a  
16    chance that evening, go ahead and get it sent out.

17            MR. FITZHENRY:   Understood.

18            JUDGE ALBERS:   With regard to the joint outline  
19    that we've asked the parties to submit on May 23rd,  
20    as far as the routing of the line portion of any  
21    outline, unless someone has a better idea, we'd  
22    prefer to see the outline break the route out by

1 segments between substations as I believe Ameren did  
2 in their earlier filings. That seems to make sense  
3 in terms of just addressing the segments.

4                   With regard to entering the appearance  
5 each day, as you've noted, it took us about 15, 20  
6 minutes to do that this morning. Our solution to  
7 that is prior to Monday morning, we intend to e-mail  
8 the service list and appearance form and then for any  
9 particular day next week that you would like to have  
10 your appearance recorded, fill that out and e-mail it  
11 to the court reporter, and we'll give you an e-mail  
12 address for the court reporter here shortly, and on  
13 the subject line of the e-mail, just put the docket  
14 number, 12-0598, appearance for May 13, 2013,  
15 whatever the date is that you want to have your  
16 appearance entered. So each day you want to have  
17 your appearance entered, send a separate e-mail, and  
18 that way we'll just note at the beginning of the day  
19 that we'll have the appearances as reflected based on  
20 the e-mails received by the court reporter.

21           MR. WHITT: Your Honor, may we do that by  
22 party? For example, Ameren has numerous lawyers.



1 Some may be in certain days and not others, so for  
2 example, the subject line would read, you know, this  
3 docket number, Ameren appearances for May 13th, and  
4 then a list of the people whose appearance should be  
5 reflected that day?

6 JUDGE ALBERS: We would hope that if you're a  
7 party with multiple attorneys, then just list all  
8 your attorneys in the same e-mail, and for that  
9 matter, if you're an attorney with multiple parties,  
10 you can just list your appearance once.

11 Any other questions about that? I'll  
12 go ahead and give you the e-mail address. It's  
13 lpatkes@comcast.net, and I will include it on the  
14 e-mail with the entry of appearance form.

15 Also, regarding the stipulations we've  
16 already seen filed, I'll just ask you to move those  
17 at what seems to be an appropriate time next week  
18 into the record, and I'd also like to ask is there  
19 any rough estimates as to the length of days next  
20 week?

21 MR. FITZHENRY: I have some good news for you.  
22 As we're putting together the schedule, the parties

1 have been very responsible about cross-examination  
2 estimates it would appear, not so much my client but  
3 the others, and the days look very doable. No date  
4 looks particularly heavy. I think we're six hours  
5 kind of per day and maybe even less on some of the  
6 days.

7                   To that point, we're going to  
8 circulate the schedule per your ruling tomorrow, and  
9 what we're going to do is to continue to solicit from  
10 the parties a revision to their cross-examination  
11 estimates through Friday. I would expect between  
12 tomorrow and Friday there might be some additional  
13 waivers or some reduction in some of the  
14 cross-examination estimates, and then we'll provide  
15 that to you on Friday afternoon as well as the other  
16 parties, and that would be a better reflection of  
17 what I think will happen next week but the days look  
18 pretty good.

19           JUDGE ALBERS: Okay. That's good.

20                   And as far as your e-mail to us about  
21 having questions for a list of witnesses that no one  
22 else had questions for, I hope to get your response

1 today.

2 MR. FITZHENRY: Yes. And then there will be  
3 likely additional witnesses through this process  
4 where other parties have decided they don't have  
5 cross-examination for and we will provide that  
6 information to you and the parties and you can  
7 revisit whether or not you have questions for those  
8 witnesses as well.

9 JUDGE ALBERS: Okay. Thank you.

10 MR. GOWER: Mr. Fitzhenry, this is Ed Gower.  
11 We gave you the estimates on Monday. If you could  
12 get your grid of times, estimated times and witnesses  
13 and cross out today, it would be very helpful.

14 MR. FITZHENRY: We won't be able to do that  
15 today, Ed. It's still a work in progress. I just  
16 wanted to give you my sense of where things were, but  
17 certainly by tomorrow per the judge's ruling.

18 JUDGE ALBERS: Yeah, if you happen to get a  
19 general sense. I knew you wouldn't have it till  
20 tomorrow.

21 MR. MURPHY: Judge, this is Joe Murphy on  
22 behalf of a couple of different parties, and I've got

1 two questions. One might be of Mr. Fitzhenry.

2 I know he submitted a list of  
3 witnesses to you for whom there was no cross, but I  
4 think my witnesses also should have been on that  
5 list, and I don't know if Mr. Fitzhenry has the  
6 information to confirm that.

7 But the second question to you is if  
8 it turns out that there are parties whose witnesses  
9 will not be called, may we submit their testimony by  
10 affidavit without coming to appear and admit it in  
11 the open court?

12 JUDGE ALBERS: Well, yes and no. I would just  
13 ask that you would phone in at some point and just  
14 orally over the phone move for the admission on the  
15 record.

16 I think previously we talked about  
17 having a phone connection, you know, just for those  
18 who were going to be doing procedural type stuff as  
19 that.

20 I think otherwise, witnesses will need  
21 to be in the room if there's going to be any  
22 cross-examine of them.

1 MR. MURPHY: Thank you.

2 JUDGE ALBERS: Mr. Fitzhenry, you look  
3 concerned.

4 MR. FITZHENRY: Well, you know, from not so  
5 much this particular hearing but the others we've had  
6 some background noise that really have inhibited our  
7 ability to kind of communicate and deal with matters  
8 appropriately, but if it's your direction, the  
9 company will circulate a call-in number. It's just  
10 that we've had people who thought they were on mute  
11 and they weren't on mute and they were typing and  
12 they were taking calls, and I just don't know how  
13 that can be dealt with in the context of a hearing  
14 when you're trying to hear questions as are the  
15 attorneys.

16 MR. GOWER: This is Ed Gower. Might I suggest  
17 that perhaps we leave that phone bridge open for  
18 about an hour in the morning and then do that on a  
19 daily basis rather than have it connected all the  
20 time.

21 I agree with you, Mr. Fitzhenry.

22 JUDGE ALBERS: It is a concern.

1 JUDGE YODER: That's what I was thinking, have  
2 it in the morning for procedural. That's fine.

3 JUDGE ALBERS: Okay. Maybe just one hour each  
4 morning.

5 MR. HARVEY: This is Matt Harvey from the  
6 Commission staff.

7 While I intend to be in open court in  
8 Springfield on the day that Mr. Rockrohr is being  
9 cross-examined, given the fact that my colleague,  
10 Mr. Olivero, is not going to be available full-time  
11 given his medical leave and that Ms. Armstrong is  
12 getting married, I really won't be able to be present  
13 the whole period of the hearings. I would, however,  
14 like to at least monitor them, and I will promise to  
15 keep it on mute if that's any help.

16 JUDGE ALBERS: Well, I think that there's being  
17 arrangements for the video hookup between the  
18 Springfield and the Chicago office.

19 MR. HARVEY: If that's being done, then I take  
20 it back.

21 JUDGE ALBERS: Mr. Murphy, is that --

22 MR. MURPHY: That's perfectly acceptable, Your

1 Honor. Thank you very much.

2 JUDGE ALBERS: That addresses your concerns.

3 MR. MURPHY: Yes.

4 JUDGE ALBERS: Mr. McNamara?

5 MR. McNAMARA: Judge, it's my understanding  
6 Mr. Fitzhenry is going to prepare a grid of the  
7 witnesses that are going to testify and when they're  
8 going to testify. Is that the gist of it?

9 MR. FITZHENRY: Based on the information  
10 provided by those parties, yes.

11 MR. McNAMARA: Will that grid include not only  
12 the witness but the name of the attorney or the  
13 parties that are going to cross-examine that witness?

14 MR. FITZHENRY: Yes. It will be identified by  
15 party.

16 MR. McNAMARA: Thank you.

17 JUDGE ALBERS: I assume something that you've  
18 sent in prior rate cases, same type of grid?

19 MR. FITZHENRY: Right. For example, for the  
20 others, if there's an intended cross-examination of  
21 certain intervenor witnesses by ATXI, it will be  
22 indicated that ATXI has cross of that witness for say

1 30 minutes, and if it's another party, intervenor A,  
2 15 minutes and so forth. So it will be identified by  
3 party by amount and per witness.

4 MR. WHITT: Basically on one side, top to  
5 bottom, list of witnesses. At the top left to right,  
6 name of parties, and then however much time they've  
7 reserved will be filled into the grid.

8 MR. FITZHENRY: And there's a total at the  
9 bottom for each day.

10 MR. McNAMARA: I also note that there are four,  
11 reading your filings from yesterday evening, I notice  
12 there's four areas of the state where there's a  
13 reliability issue in your opinion.

14 I have clients in the Sidney to  
15 Rising, Illinois area, and that's one of the areas  
16 where it's alleged there's a reliability problem.

17 In any of those four areas, are we at  
18 the point where there's a consensus as to what should  
19 happen?

20 For instance, in Sidney to Rising, is  
21 there serious objection to the primary route?

22 I just don't know, and I think that



1 might help expedite the hearing if we do that as to  
2 those particular routes.

3 MR. FITZHENRY: Well, I think the testimony and  
4 the exhibits of the parties speak to their issues or  
5 non-issues with any particular route. That's how I  
6 would judge it.

7 MR. McNAMARA: So with regard to those four  
8 particular routes, there are issues as to all the  
9 four routes to the best of your knowledge?

10 MR. FITZHENRY: I don't recall honestly. I  
11 don't.

12 MR. WHITT: I do believe Ms. Borkowski's  
13 testimony at least at a high level indicates where  
14 most of the opposition is for certain routes.

15 MR. McNAMARA: That's all I have.

16 JUDGE ALBERS: Does anyone else have any  
17 questions or concerns about next week?

18 We'll start at 10 o'clock on Monday  
19 and we can certainly start earlier on the later  
20 dates.

21 MR. FITZHENRY: Could we just say 9 o'clock for  
22 the remaining days and people know that for people

1     who are bouncing in and out of the hearing next week?

2             JUDGE ALBERS:   If you think a 9 o'clock start  
3     time would accommodate the types of times you've been  
4     seeing on your...

5             MR. FITZHENRY:   Mr. Whitt is positive of that.

6             MR. McNAMARA:   The only thing I have is we're  
7     dealing with a lot of people coming from a large area  
8     throughout the state.  It certainly helps if you have  
9     a little extra time in the morning to talk with those  
10    people, and I think it shortens the hearing.

11            MR. WHITT:   I think the experience has been we  
12    either go 9 to 5 or 10 to 6, so if we make time at  
13    one end of the day, we lose it at the other.

14            MR. HARVEY:   This is Matt Harvey from staff.  I  
15    think it would also be a good idea to assume a level  
16    of certain administrative friction associated with  
17    anything so that our estimates should be viewed as  
18    optimistic.

19            JUDGE ALBERS:   I think we're going to go ahead  
20    and use 9 o'clock as the start date the rest of the  
21    week.

22            MR. MacBRIDE:   Judge, this is Owen MacBride.

1 Just so I can recap or understand something that was  
2 covered earlier.

3 So there will be a video hookup  
4 available in the Commission's Chicago office, and I  
5 take it that will allow people to observe what's  
6 happening in the Springfield hearing but not to  
7 participate, is that correct?

8 JUDGE ALBERS: Right. If you're just going to  
9 be observing and don't intend to cross-examine  
10 anyone, you can just observe from Chicago.

11 MR. MacBRIDE: Right. And that will be in  
12 the -- maybe Mr. Harvey knows -- that will be in the  
13 room it's typically of in which is somewhat capacity  
14 constrained, but I take it, Matt, that's the only  
15 room that's available for that purpose?

16 MR. HARVEY: I don't know. I will check with  
17 our IT folks, but I think most probably if the  
18 Springfield hearing is being convened in the main  
19 hearing room in Springfield, that most likely the  
20 Chicago version of the hearing, with the exception of  
21 those days upon which the Commission will be meeting  
22 in Springfield, will most likely be in the main

1     hearing room in Chicago.

2             MR. MacBRIDE:   Okay.

3             MR. HARVEY:   I don't know that for a fact but I  
4     can easily find out.

5             MR. MacBRIDE:   Okay.   Judge, that would be  
6     actually useful information because people might  
7     decide whether to observe in Chicago based on knowing  
8     that there's adequate seating capacity.   I mean, if  
9     that could be put in a notice or something that goes  
10    out or an e-mail.

11            MR. MURPHY:   Judge, this is Joe Murphy again,  
12    and my question is really addressed to Mr. Harvey,  
13    whether he can find out whether the Commission's IT  
14    equipment would allow the video streaming of the  
15    hearing because the interface suggests that that  
16    might be at capacity, but I have never seen them do  
17    it.

18            MR. HARVEY:   By streaming, you mean it's  
19    generally available over the Internet outside the two  
20    Commission hearing rooms?

21            MR. MURPHY:   Correct.

22            MR. HARVEY:   I will check, but I'm going to

1 tell you that the answer is almost certainly no.

2 MR. MURPHY: Okay.

3 MR. HARVEY: I will look into that however.

4 MR. MURPHY: Thank you.

5 MR. MacBRIDE: And, Judge, this is Owen  
6 MacBride again.

7 Just to finish up then, the telephone  
8 bridge will only be available for one hour at the  
9 start of each hearing and not continuously throughout  
10 the hearings, is that correct?

11 JUDGE ALBERS: Correct.

12 MR. MacBRIDE: Thank you.

13 MR. BOJKO: This is Kim Bojko with MISO. As a  
14 housekeeping matter, we wanted to make the bench  
15 aware that MISO has designated certain information as  
16 confidential, critical energy infrastructure  
17 information, CEII information, and that was provided  
18 to one of the parties, MCCO, and it has been used in  
19 docketing testimony.

20 We have not heard any objections to  
21 such information as being treated confidential, but  
22 we just wanted to make sure that you were aware that

1     that does exist.  There is confidential testimony as  
2     well as attachment testimony, and so if any questions  
3     occur at the hearing based on that information, we  
4     would need to then ask to go into confidential  
5     session.

6             JUDGE ALBERS:  Understood.

7             MR. SKEY:  Your Honor, this is Chris Skey on  
8     behalf of the Nature Conservancy.

9                     I just had one other question about  
10    the mode or modes in which the hearing is going to be  
11    available to people who might be not present or in  
12    person there in Springfield, and maybe this has been  
13    covered and I didn't understand it, but is the  
14    hearing going to be broadcast over the Commission's  
15    website, the audio Webcast page that's on the  
16    website?

17            JUDGE ALBERS:  Yes.

18            MR. SKEY:  Okay.  Thank you.

19            MR. BRADY:  This is Sean Brady with Wind on the  
20    Wires.

21                     I think you may have already stated in  
22    one of your previous notices but I just wanted a

1 reminder. What's the process? We have a number of  
2 witnesses who we do not have cross-examination for  
3 but you had reserved the right for the ALJs to still  
4 ask questions of the witnesses, and I was wondering  
5 when you would notify the parties, parties of  
6 witnesses who right now do not have cross-examination  
7 that you may have cross-examination of those  
8 witnesses.

9 JUDGE ALBERS: Well, Ameren had sent Judge  
10 Yoder and I a list of witnesses that at the time we  
11 got the e-mail there were no other questions for and  
12 we'd hoped to respond to that today.

13 MR. BRADY: Great. That helps with making  
14 arrangements for travel in case you needed at least  
15 our witness to be available in Springfield. So thank  
16 you. That would be great. Thank you.

17 JUDGE ALBERS: I also want to point out that  
18 since we are in the main hearing room in Springfield,  
19 there is a Springfield bench session scheduled for  
20 May 15th at 10:30 so we will have to take a break for  
21 that on Wednesday.

22 MR. PROBST: Dustin Probst. One question. I

1 just wanted to verify we're starting at 10 a.m. on  
2 Monday and 9 a.m. on the following days.

3 JUDGE ALBERS: Yes.

4 Anything else?

5 MR. BRADY: Judge Albers, this is Sean Brady.  
6 One final question.

7 JUDGE ALBERS: Go ahead.

8 MR. BRADY: Do you have a set date for  
9 submission of affidavits for those witnesses who will  
10 not be cross-examined?

11 JUDGE ALBERS: Well, what we typically do is if  
12 that's the case for a particular witness, when  
13 there's an opportunity to do so, we'll identify the  
14 affidavit. If it's not already in existence, if you  
15 don't have it handy for the day of the hearing, we'll  
16 identify the affidavit with an exhibit number and  
17 then have the parties submit it as soon as they can  
18 after that. Does that make sense?

19 MR. BRADY: Okay.

20 JUDGE YODER: Or if you can file it early, file  
21 it early and then we'll take care of it usually the  
22 first thing in the morning or the first thing in the



1 afternoon.

2 JUDGE ALBERS: If we're doing affidavits, we'll  
3 probably be listening to those folks move the  
4 admission of them first thing in the morning for the  
5 first hour we have the bridge, so we'll just try to  
6 have it ready for that, but if not, we'll just  
7 identify it for the record, and then you can submit  
8 it as soon as you can thereafter.

9 MR. BRADY: Okay. So those witnesses, then you  
10 anticipate those witnesses to be listed still within  
11 the schedule that Ameren is preparing even though  
12 they will not be cross-examined?

13 JUDGE ALBERS: I think from what I recall in  
14 prior large hearings, Ameren usually had a list at  
15 the end that said witnesses for whom there is no  
16 cross just as kind of a sidebar on a document that  
17 they prepare.

18 Is that still part of your plan?

19 MR. FITZHENRY: That's correct. And as you  
20 say, you're going to decide later today, and we're  
21 going to take that information into account in the  
22 schedule that's circulated tomorrow.

1 JUDGE ALBERS: So you'll have a document with a  
2 list of those for whom there are no questions.

3 The only thing, we did just get  
4 confirmation from the chief clerk that the hearing  
5 will be in Room A in Springfield and the main hearing  
6 room in Chicago for the videoconference.

7 And just a reminder then to have your  
8 exhibit lists to us or available Monday morning as  
9 spelled out in the ruling we sent out on April 24th.

10 Anything else? Going once; twice.  
11 Gone.

12 Thank you. And we will continue this  
13 to 10 o'clock on May 13th.

14 (Whereupon the hearing was  
15 continued to May 13, 2013 at  
16 10:00 a.m.)

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